

RESOLUTION 2020 - 20

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, EXTENDING THE
PROCLAMATION OF EMERGENCY AND ADOPTING
FINDINGS OF FACT AND PROCEDURES FOR MANAGING
THE COVID-19 PUBLIC HEALTH EMERGENCY**

WHEREAS, COVID-19 is a highly infectious disease that can result in serious respiratory illness, organ damage, and death, and approximately 9,755 COVID-19 cases and 182 COVID-19 related deaths have now been confirmed in Yakima County, and disruption of important services, damage to life, or damage to property is occurring in local municipalities, including the City of Sunnyside, from the above conditions; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary, Alex Azar, declared a public emergency for COVID-19 beginning on January 27, 2020; and

WHEREAS, on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state and directed that plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

WHEREAS, on March 24, 2020, Governor Jay Inslee signed Proclamation 20-28 temporarily suspending portions of the Open Public Meetings Act and prohibiting state and local government entities from holding in-person public meetings, and which was subsequently extended until August 1, 2020, in writing by the leadership of the State Senate and the House of Representatives on July 7, 2020; and

WHEREAS, on May 4, 2020, Governor Jay Inslee signed Proclamation 20.25.4 establishing the "Safe Start Washington" plan for a phased approach to recovery and

reopening, and which was subsequently amended and extended until August 7, 2020;
and

WHEREAS, the Yakima Valley Office of Emergency Management and the Yakima County Health District have declared a local health emergency and have recommended that cities in Yakima County likewise declare an emergency to manage the impacts of COVID-19; and

WHEREAS, the Washington State Department of Health and the Yakima County Health District approved Yakima County to advance to a modified Phase 1 reopening, commonly called Phase 1.5, on July 2, 2020, and implemented a “Roadmap to Recovery” reopening plan specific to Yakima County; and

WHEREAS, on March 13, 2020, Mayor Francisco Guerrero and City Manager Martin Casey issued a Proclamation of Emergency, declaring the COVID-19 pandemic to be an emergency in the City of Sunnyside pursuant to Section 38.52.010 RCW and other relevant provisions of state and federal law; and

WHEREAS, on March 23, 2020, April 27, 2020, and May 26, 2020, the Sunnyside City Council ratified the Mayoral Proclamation of Emergency, declaring the COVID-19 pandemic to be an emergency in the City of Sunnyside pursuant to Section 38.52.010 RCW and other relevant provisions of state and federal law, and implemented temporary policy and procedural changes to enable the City to respond effectively to the COVID-19 emergency, expiring on July 31, 2020, unless further extended or modified by action of Council; and

WHEREAS, the health, safety and welfare of City residents, businesses, visitors and staff is of utmost importance to the City and additional future measures may be needed to protect the community.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AS FOLLOWS:

SECTION 1. Findings of Fact. Council hereby finds that an emergency exists pursuant to RCW 38.52.070 and authorizes the City Manager to waive any necessary competitive bidding requirements related to the COVID-19 emergency and to use other emergency powers authorized by law as necessary.

SECTION 2. City's Response.

- A. The City is committed to protecting the public and staff by minimizing the spread of COVID-19. The City has and will continue to follow the direction and guidelines provided by the State of Washington under the Stay Home, Stay Healthy order, the Safe Start Washington plan, and the Yakima County Health Officer to best combat the spread of COVID-19.
- B. The Council authorizes the City Manager to reduce hours of service or close City Hall or other City facilities to the general public upon consultation with the Yakima Valley Office of Emergency Management and the Yakima County Health District throughout the duration of the County being designated as in Phase 1, Phase 1.5, or Phase 2 under the Safe Start Washington plan. The City Manager shall post notice of such closure on the City's website.
- C. Residents are hereby instructed to pay utility bills, acquire licenses, submit permit applications, contact staff, and transact all other routine City business via telephone, email, drop boxes, and online throughout the duration of the County being designated as in Phase 1, Phase 1.5, or Phase 2 under the Safe Start Washington plan, with such procedures to be posted on the City's website and/or at City facilities.
- D. The Council authorizes the City Manager to temporarily extend administrative deadlines or waive administrative penalties under the Sunnyside Municipal Code upon request due to hardship, including, but not limited to, for non-payment of license fees and permit application fees throughout the duration of the County being designated as in Phase 1, Phase 1.5, Phase 2, or Phase 3 under the Safe Start Washington plan. Further, in accordance with Governor's Proclamation 20-23.2 or its successor directive, the City shall not shut off, refuse to reconnect due to nonpayment, or charge a late fee or reconnection fee for nonpayment of City

water or sewer utility services for the duration of the Proclamation or its successor directive.

- E. Throughout the duration of the County being designated as in Phase 1.5, Phase 2, or Phase 3 under the Safe Start Washington plan only, the Council authorizes the City Manager to accept and approve permit requests to temporarily waive provisions in Sunnyside Municipal Code Chapter 17.48 that restrict a sidewalk café to locating immediately adjacent to the front or side of the applicant business if such adjacent location does not permit compliance with applicable social distancing requirements. An alternate sidewalk location may not conflict with a sidewalk location that an existing adjacent café, restaurant, or tavern is eligible to use, and must otherwise comply with all applicable business, health, and safety codes.
- F. The City hereby restricts use of sport courts, playground equipment, restrooms, and shelters in City parks and public spaces that remain open to the public in accordance with the protocols set in Phase 1, Phase 1.5, Phase 2, or Phase 3 of the Safe Start Washington plan in order to minimize exposure to COVID-19.
- G. The City shall not issue permits for community events and gatherings that do not comply with the requirements and criteria under Phase 1, Phase 1.5, Phase 2, or Phase 3 of the Safe Start Washington plan in order to minimize exposure to COVID-19.
- H. The Council authorizes the City Manager to reduce, waive, or rescind any of the above referenced administrative restrictions and limitations as may be permitted by State or County public health officials throughout the duration of the County being designated as in Phase 1, Phase 1.5, Phase 2, or Phase 3 under the Safe Start Washington plan.

SECTION 3. Council Procedures. During the term of this Resolution, the following amendments to City Council procedures are hereby adopted:

- A. Any rule or procedure adopted by City Council that would prevent or prohibit all City Councilmembers from attending City Council meetings telephonically are temporarily suspended and all City Councilmembers must attend all meetings via telephone or online conferencing application for the duration specified in Governor's Proclamation 20-28 or its successor directive.
- B. All in-person Subcommittee meetings of the City Council are cancelled for the duration specified in Governor's Proclamation 20-28 or its successor directive. Council and subcommittee meetings may be held telephonically or online conferencing application regardless of whether the City has the capability to record meetings.

- C. In-person public attendance at City Council meetings is prohibited for the duration specified in Governor's Proclamation 20-28 or its successor directive. City Council and staff will encourage and accept public comment via email or written comment.
- D. All in-person meetings of City advisory Boards and Commissions are cancelled for the duration specified in Governor's Proclamation 20-28 or its successor directive. Board and Commission meetings may be held telephonically or online conferencing application regardless of whether the City has the capability to record meetings.
- E. Any Council rules that are inconsistent with this Resolution are hereby suspended for the term of this Resolution.

SECTION 4. Budget. During the term of this Resolution, Council adopts the following budget restrictions:

- A. A hiring freeze is hereby implemented on all positions funded by any City governmental fund, unless the City Manager determines in writing by notice to City Council that the hire is necessary for the continued provision of essential services to the public.
- B. All unobligated non-essential equipment replacements are hereby suspended, unless the replacement is completely funded by grants or City enterprise utility funds.
- C. Council hereby encourages the expenditure of funds for acquiring any necessary technology to facilitate employees to work from home in situations where such remote work is possible, available, and approved by the City Manager and Department Head overseeing the relevant department. Any such expenditures should either be within current budget allocations or brought to Council for approval.
- D. All staff time and supplies or equipment purchases dedicated to emergency responses related to the COVID-19 pandemic shall be tracked to allow for potential federal or state reimbursement.

SECTION 5. Communication. All updates regarding City functions and actions relating to the COVID-19 epidemic will be posted on the City's website to provide the public with up-to-date information.

SECTION 6. Effectiveness. The provisions of this Resolution shall become effective upon adoption and expire on September 30, 2020, unless further extended or modified by formal action of Council.

PASSED this 27th day of July, 2020.


FRANCISCO GUERRERO, MAYOR

ATTEST:


JACQUELINE RENTERIA, CITY CLERK